

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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DATE FILED: 07/20/2021

**EDGARDO DIAZ, *Individually and on Behalf
of All Others Similarly Situated,***

Plaintiff,

-against-

NEW YORK PAVING INC.,

Defendant.

18-CV-4910 (ALC) (GWG)

ORDER

ANDREW L. CARTER, JR., United States District Judge:

The Court is in receipt of the parties' letters regarding Defendant's request for a pre-motion conference in connection with Defendant's anticipated motion to dismiss Opt-In Plaintiffs Smith and Oliver. ECF Nos. 219, 224. The Court is also in receipt of the parties' letters regarding Plaintiff's request for a pre-motion conference in connection with Plaintiff's anticipated motion for Rule 23 Class Certification and Defendant's request for a pre-motion conference in connection with Defendant's anticipated motion for Collective Decertification. ECF Nos. 220, 223. Upon review of the submissions, the Court denies the parties' requests for a pre-motion conference. The parties are hereby GRANTED leave to file their respective Rule 23 Class Certification and Collective Decertification motions on the following schedule:

- Opening brief: September 20, 2021
- Opposition brief: November 19, 2021
- Reply brief: December 20, 2021

Defendant is hereby DENIED leave to file a motion to dismiss Opt-In Plaintiffs Smith and Oliver without prejudice to renewal once the Court has decided the Rule 23 Class Certification and Collective Decertification motions.

SO ORDERED.

Dated: July 20, 2021
New York, New York

A handwritten signature in black ink, appearing to read "Andrew L. Carter, Jr.", written in a cursive style.

ANDREW L. CARTER, JR.
United States District Judge